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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Examiner: Spector, Lorraine

Kevin P. BAKER, et al.

Art Unit: 1647

Application Serial No. 09/989,721

Attorney's Docket No. 39780-2730P1C55

Filed: November 19, 2001

Customer No. 35489/09157

For: NUCLEIC ACIDS ENCODING PRO809

**EXPRESS MAIL LABEL NO. EL 993 691 929 US**  
**DATE MAILED: NOVEMBER 4, 2004**

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- ☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
  - ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
  - ☐ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --

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☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

☐ a certification as specified in §1.97(e) is provided below; or

☒ a fee of **\$180.00** as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of **\$180.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. **08-1641 (Attorney's Docket No. 39780-2730P1C55).**

Respectfully submitted,

Dated: November 4, 2004

By: Daphne Reddy  
Daphne Reddy (Reg. No. 53,507)

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<b>INFORMATION DISCLOSURE STATEMENT</b>  <b>PTO-1449</b>			<b>ATTY. DOCKET NO.:</b> 39780-2730P1C55		<b>SERIAL NO.:</b> 09/989,721		
			<b>APPLICANT :</b> Kevin P. BAKER, et al.				
			<b>FILING DATE:</b> November 19, 2001		<b>GROUP:</b> 1647		
<b>U.S. PATENT DOCUMENTS</b>							
<b>EXAMINER'S INITIALS</b>	<b>PATENT NO.</b>	<b>DATE</b>	<b>NAME</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>FILING DATE</b>	
<b>FOREIGN PATENT DOCUMENTS</b>							
<b>EXAMINER'S INITIALS</b>	<b>PATENT NO.</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>TRANSLATION</b>	
						<b>YES</b>	<b>NO</b>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
✓ /	Dayhoff, Accession No.: P_AAB65214, WO 200073454-A1, Pub Date: December 7, 2000, Ashkenazi, A. J. et al.						
/	Dayhoff, Accession No : P_AAY66691, WO 9963088-A2, Pub Date: December 9, 1999, Baker, K. et al.						
/	Dayhoff, Accession No.: P_AAB24063, WO 200053755-A2, Pub Date: September 14, 2000, Ashkenazi, A. J. et al.						
/	Dayhoff, Accession No.: P_AAG89176; WO 200142451-A2, Pub Date: June 14, 2001, Dumas Milne, Edwards J. et al.						
✓ /	GenBank, Accession No.: P_AAC58373, WO 200053755-A2, Pub Date: September 14, 2000, Ashkenazi, A. J. et al.						
✓ /	GenBank, Accession No.: P_AAF44176, WO 200073454-A1, Pub Date: December 7, 2000, Ashkenazi, A. J. et al.						
✓ /	GenBank, Accession No.: P_AAZ65030, WO 9963088-A2, Pub Date: December 9, 1999, Baker, K. et al.						
<b>EXAMINER</b>			<b>DATE CONSIDERED</b>				

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.